

To the Members of the California State Assembly:

I am returning Assembly Bill 2314 without my signature.

This bill would revise disciplinary procedures for state managers. The bill removes the burden of proof for a disciplined managerial employee and eliminates the presumption that the notice of a disciplinary action is true. This bill impacts the state fiscally and creates an environment of lesser accountability among management employees.

AB 2314 would result in the state expending additional funds to defend these disciplinary actions by encouraging managerial employees to make an appeal to the State Personnel Board (SPB) of a Department's decisions regarding the adverse action process. Additionally, due to the State's fiscal crisis, the SPB has experienced significant budget reductions and would be unable to perform these new activities without additional funding.

Transferring the burden of proof in the appeals process to the state would create another redundant process. Adverse actions are only taken after correction actions have failed to rectify an employees' performance or behavior.

Therefore, I cannot support this measure at this time.

Sincerely,

Arnold Schwarzenegger